

DrinkerBiddle&Reath

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1-9-13

January 8, 2013

Clay J. Pierce
Partner
212-248-3186 Direct
212-248-3141 Fax
clay.pierce@dbrr.com

Law Offices

1177 Avenue of the Americas
41st Floor
New York, NY
10036-2714

212-248-3140 phone
212-248-3141 fax
www.drinkerbiddle.com

CALIFORNIA
DELAWARE
ILLINOIS
NEW JERSEY
NEW YORK
PENNSYLVANIA
WASHINGTON DC
WISCONSIN

VIA FACSIMILE

The Honorable P. Kevin Castel, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSED

Re: ***Byrne, et al. v. RMJM, Inc., et al.***
Civil Action No. 12-cv-8203 (PKC)

Dear Judge Castel:

This firm represents each of the Defendants in the above-referenced action. We write to request an extension of Defendants' time to respond to: (i) the Amended Complaint Plaintiffs filed in the action on January 4, 2013; and (ii) the January 4, 2013 letter submitted to the Court by Thompson Wigdor LLP, counsel to Plaintiffs, requesting a pre-motion conference before Your Honor.

Pursuant to Your Honor's Individual Rules, Defendants' response to Plaintiffs' January 4 letter is due tomorrow, January 9, 2013. Defendants' response to the Amended Complaint is due on January 18, 2013.

Defendants respectfully request that the deadline for Defendants' response to both the January 4 letter and the Amended Complaint be adjourned to February 8, 2013. Defendants make this request on two grounds. First, Defendants are in the process of retaining new attorneys in this action, as a result of which our firm will withdraw as counsel. Second, whomever is ultimately retained to represent Defendants in this action will require additional time to investigate the substantial number of additional facts Plaintiffs allege in their Amended Complaint.

Plaintiffs have consented to the requested adjournment, in exchange for Defendants agreement that: (i) this firm accept service of the Amended Complaint on behalf of all the Defendants (without waiving any objections to jurisdiction); and (ii) Defendants toll the statute of limitations applicable to claims by any additional Plaintiffs who may join the action pending a resolution on any motion to dismiss Defendants may file in response to the Amended Complaint and/or the expiration of any opt-in period provided pursuant to Plaintiffs' proposed motion for conditional certification.

Established 1849

FP01/6908704.2

*Conference adjourned for
31 to Feb 21 at noon.*
*Application
limited.*
ISO ORDERED
USDS
1-8-13

DrinkerBiddle&Reath

The Honorable P. Kevin Castel, U.S.D.J.

January 8, 2013

Page 2

This is the first request by Defendants for an extension of their time to respond to the January 4 letter and the Amended Complaint. The Court previously granted Defendants' request for an extension of their time to respond to the original Complaint (from December 5, 2012 to January 7, 2013).

Respectfully submitted,


Clay J. Pierce

cc: David E. Gottlieb, Esq. (via electronic mail)